

# Congress of the United States

Washington, DC 20515

September 22, 2008

Secretary Michael O. Leavitt  
U.S. Department of Health & Human Services  
200 Independence Avenue, S.W.  
Washington, DC 20201

Dear Secretary Leavitt:

As the authors of the Improving Head Start for School Readiness Act, we write to express our concerns with Program Instruction 08-05, which recently was issued by the Office of Head Start. This Program Instruction effectively eliminates the Head Start regulation related to enrollment (45 CFR §1305.7(b)), which allows programs up to 30 days to fill a vacancy in an enrollment slot and allows programs to elect not to fill vacancies in enrollment slots that occur when 60 calendar days or less remain in the program's enrollment year. This Program Instruction misinterprets the bipartisan Congressional intent of the reforms in the Head Start for School Readiness Act, and we are concerned that it will lead to confusion and significant challenges for local Head Start centers that could undermine core goals of the Head Start program.

In light of the high demand for Head Start services, Congress enacted provisions in section 9837(g) of the Improving Head Start for School Readiness Act to ensure that each local Head Start program has processes in place that support full enrollment and the efficient use of Federal dollars through the use of an active waiting list. Such provisions were crafted with the intent of building on the timelines and flexibility for enrolling Head Start children in the program's existing regulations.

Even a diligent program with an active waiting list needs a reasonable period to fill an open slot. Contacting families on a waiting list, recertifying family eligibility, and processing required immunization records are just a few of the many logistical challenges and delays programs face in filling an open spot. The Improving Head Start for School Readiness Act requires programs to "maintain an active waiting list at all times" in order to ensure an expeditious process for filling open slots in Head Start programs. However, the Office of Head Start's interpretation of section 9837(g) to mandate that slots be filled "immediately" by Head Start centers is inconsistent with the law and the day-to-day realities that programs face. The reauthorized law does not require the elimination of this regulation, and the bipartisan intent of Congress was not to strike it.

In addition, the Improving Head Start for School Readiness Act emphasized the need for enrolling underserved populations, such as homeless families and other families not historically as engaged in Head Start. We are concerned that removing a reasonable timeline for filling open program spaces will undermine the law's goal of improving services to underserved populations as local centers respond to the recent Program Instruction by enrolling children that they can enroll quickly, instead of working to enroll families with additional challenges who may take longer to identify and enroll.

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We respectfully urge you to withdraw Program Instruction 08-05 and align it with Congress' intent to support full enrollment and active waiting lists while providing a reasonable timeline for local programs to enroll eligible families. We believe this is necessary to meet our shared goal of supporting local Head Start programs in their efforts to effectively serve the nation's most disadvantaged families. We further urge the Office of Head Start to provide additional instruction and guidance to programs regarding the maintenance of an active waiting list.

In advance, we thank you for your consideration of our comments.

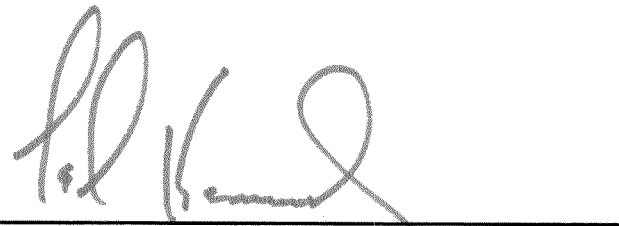
Sincerely,



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**GEORGE MILLER**

Chairman, House Committee on Education and Labor



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**EDWARD M. KENNEDY**

Chairman, Senate Committee on Health, Education, Labor and Pensions



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**HOWARD P. "BUCK" McKEON**

Ranking Member, House Committee on Education and Labor



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**MICHAEL B. ENZI**

Ranking Member, Senate Committee on Health, Education, Labor and Pensions



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**DALE E. KILDEE**

Chairman, Subcommittee on Early Childhood, Elementary and Secondary Education



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**CHRISTOPHER J. DODD**

Chairman, Subcommittee on Children and Families



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**MICHAEL N. CASTLE**

Ranking Member, Subcommittee on Early Childhood, Elementary and Secondary Education



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**LAMAR ALEXANDER**

Ranking Member, Subcommittee on Children and Families